

SONYA D. WINNER (SBN 200348)  
Email: swinner@cov.com  
CORTLIN H. LANNIN (SBN 266488)  
Email: clannin@cov.com  
ISAAC D. CHAPUT (SBN 326923)  
Email: ichaput@cov.com  
COVINGTON & BURLING LLP  
Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, California 94105-2533  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

*Attorneys for Defendant/Counterclaimant  
Intuitive Surgical, Inc.*

ALLEN RUBY (SBN 47109)  
allen@allenruby.com  
ALLEN RUBY, ATTORNEY AT LAW  
15559 Union Ave. #138  
Los Gatos, California 95032  
Telephone: (408) 477-9690

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.,

Plaintiff/  
Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/  
Counterclaimant.

Case No.: 3:21-cv-03496-AMO-LB

**SUPPLEMENTAL DECLARATION OF  
KATHRYN E. CAHOY IN SUPPORT OF  
INTUITIVE'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR SUMMARY  
JUDGEMENT AND CROSS-MOTION FOR  
SUMMARY JUDGEMENT**

Judge: The Honorable Araceli Martínez-Olguín

1 I, KATHRYN E. CAHOY, declare as follows:

2 I am an attorney licensed to practice in California and am admitted to practice before this Court.  
3 I am a partner with the law firm of Covington & Burling LLP, counsel for Intuitive Surgical, Inc.  
4 (“Intuitive”) in this matter. I have personal knowledge of the facts set forth herein, and if called to  
5 testify, I could and would testify competently hereto.

6 The exhibits attached to this declaration are numbered sequentially with the exhibits attached to  
7 my declaration in support of Intuitive’s Motion for Summary Judgement and Cross-Motion for  
8 Summary Judgment dated April 13, 2023 (the “Cahoy Declaration”).

9 There are no **Exhibits 1 – 96** attached to this declaration.

10 97. Attached to this declaration as **Exhibit 97** is a true and correct copy of excerpts of the  
11 transcript of the deposition of Imron Zafar taken in this litigation on November 1, 2022.

12 98. Attached to this declaration as **Exhibit 98** is a true and correct copy of a letter from Mark  
13 Trumbore, Assistant Director, Division of General Surgery Devices, Office of Product Evaluation and  
14 Quality, FDA Center for Devices and Radiological Health, to Kunal Gunjal, Sr. Regulatory Affairs  
15 Specialist, Intuitive Surgical, Inc., dated August 15, 2022, regarding 510(k) submission K214095. The  
16 letter is available on the FDA website at [https://www.accessdata.fda.gov/cdrh\\_docs/pdf21/K214095.pdf](https://www.accessdata.fda.gov/cdrh_docs/pdf21/K214095.pdf).

17 99. Attached to this declaration as **Exhibit 99** is a true and correct copy of excerpts of the  
18 transcript of the deposition of Dr. Greta Valentine Bernier taken in this litigation on November 7, 2022.

19 100. There is no **Exhibit 100** attached to this declaration.

20 101. Attached to this declaration as **Exhibit 101** is a true and correct copy of excerpts of the  
21 transcript of the deposition of Dr. Dipen Maun taken in this litigation on November 8, 2022.

22 102. Attached to this declaration as **Exhibit 102** is a true and correct copy of excerpts of the  
23 transcript of the deposition of Dr. John Francis taken in this litigation on October 14, 2022.

24 103. There is no **Exhibit 103** attached to this declaration.

25 104. Attached to this declaration as **Exhibit 104** is a true and correct copy of excerpts of the  
26 transcript of the deposition of Keith Robert Johnson, 30(b)(6) designee for Surgical Instrument Service  
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1 Company, Inc., taken in this litigation on October 27, 2022. Additional excerpts of this transcript were  
2 filed as Exhibit 29 to the Cahoy Declaration.

3 I declare under the penalty of perjury under the laws of the United States that the foregoing is  
4 true and correct.

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6 DATED: May 25, 2023

By: /s/ Kathryn E. Cahoy

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